

Docket No.: 50355-050RI

PATENT

**IN THE UNITED STATES PATENT AND TRADEMARK OFFICE**

In re Reissue Application of

Fumiaki Ueno et al.

Reissue application of Patent No.  
5,807,640 Issued on 9/15/98



Based on Serial No.: 507,495 : Applications Branch

Filed: August 28, 1995

For: OPTICAL RECORDING MEDIUM REPRODUCING SYSTEM, METHOD OF  
REPRODUCING OPTICAL DISK, METHOD OF FABRICATING OPTICAL DISK ORIGINAL  
RECORD, AND METHOD OF STOPPING ILLEGAL PROGRAM OPERATION

**COMBINED DECLARATION AND POWER OF ATTORNEY  
IN REISSUE APPLICATION**

Box 7  
Assistant Commissioner for Patents  
Washington, DC 20231

Sir:

As below-named joint inventors, We hereby declare that:

Our residence, post office addresses, and citizenship's are as stated below next to our names;  
and that

We verily believe that we are the original and first joint inventors of the invention entitled:  
OPTICAL RECORDING MEDIUM REPRODUCING SYSTEM, METHOD OF  
REPRODUCING OPTICAL DISK, METHOD OF FABRICATING OPTICAL DISK ORIGINAL  
RECORD, AND METHOD OF STOPPING ILLEGAL PROGRAM OPERATION,  
described and claimed in the Reissue application filed September 15, 2000, that we understand the  
content of the specification filed therein, that we have reviewed and understand the content of the  
specification including the claims, as well as the claims referred to in this Declaration, that we do

not know and do not believe the same was ever known or used in the United States of America before our invention thereof, or patented or described in any printed publication in any country before our invention thereof or more than one year prior to that the same was not in public use or on sale in the United States of America more than one year prior to , that the invention has not been patented or made the subject of an inventor's certificate issued before, in any country foreign to the United States of America on an application filed by us or our legal representatives or assigns more than twelve months prior to , that We acknowledge our duty to disclose information of which We are aware which is material to the examination of this application, and that no application for patent or inventor's certificate on this invention has been filed in any country foreign to the United States of America prior to the original application Serial No. 507,495 by us or our legal representatives or assigns, except as follows: Patent Application filed in on , priority of which is claimed.

Our original U.S. Patent 5,807,640, issued September 15, 1998, which matured from Serial No. 507,495, is believed to be wholly or partly inoperative by reason of the patentees claiming less than they had a right to claim through error and without any deceptive intention.

When comparing the scope of the protection covered by the claims of the U.S. patent 5,807,640 with the technique actually used in the products that are being made, used and/or sold in accordance with the claims, although the basic idea is common, the actual detecting circuit may not be fully covered by the present claims since the claims do not positively define the shifting of an edge of selected pits in the circumferential direction. Since, in an actual optical disk, the edge of selected pits are shifted circumferentially, it is intended add claims delineating that the edge of selected pits are shifted circumferentially to positively cover products that are actually being made, used and/or sold.

We hereby appoint the following attorneys to prosecute this application and to transact all business in the Patent and Trademark Office connected therewith: Stephen A. Becker, Reg. No. 26,527; John G. Bisbikis, Reg. No. 37,095; Christopher D. Bright, Reg. No. P-46,578; Daniel Bucca, Reg. No. 42,368; Kenneth L. Cage, Reg. No. 26,151; Stephen C. Carlson, Reg. No. 39,929; Jennifer Chen, Reg. No. 42,404; Bernard P. Codd, Reg. No. 46,429; Thomas A. Corrado, Reg. No. 42,439; Lawrence T. Cullen, Reg. No. 44,489; Paul Devinsky, Reg. No. 28,553; Margaret M. Duncan, Reg. No. 30,879; Ramyar M. Farid, Reg. No. P-46,692; Brian E. Ferguson, Reg. No. 36,801; Michael E. Fogarty, Reg. No. 36,139; John R. Fuisz, Reg. No. 37,327; Willem F. Gadiano, Reg. No. 37,136; Keith E. George, Reg. No. 34,111; Matthew V. Grumbling, Reg. No. 44,427; John A. Hankins, Reg. No. 32,029; Joseph Hyosuk Kim, Reg. No. 41,425; Eric J. Kraus, Reg. No. 36,190; Catherine Krupka, Reg. No. 46,227; Jack Q. Lever, Reg. No. 28,149; Raphael V. Lupo, Reg. No. 28,363; Michael A. Messina, Reg. No. 33,424; Dawn L. Palmer, Reg. No. 41,238; Joseph H. Paquin, Jr., Reg. No. 31,647; Scott D. Paul, Reg. No. 42,984; William D. Pegg, Reg. No. 42,988; Robert L. Price, Reg. No. 22,685; Thomas D. Robbins, Reg. No. 43,669; Gene Z. Robinson, Reg. No. 33,351; Joy Ann G. Serauskas, Reg. No. 27,952; Daniel H. Sherr, Reg. No. P-46,425; David A. Spenard, Reg. No. 37,449; Arthur J. Steiner, Reg. No. 26,106; David L. Stewart, Reg. No. 37,578; Wesley Strickland, Reg. No. 44,363; Michael D. Switzer, Reg. No. 39,552; Leonid D. Thenor, Reg. No. 39,397; Daniel S. Trainor, Reg. No. 43,959; Cameron K. Weiffenbach, Reg. No. 44,488; Aaron Weisstuch, Reg. No. 41,557; Edward J. Wise, Reg. No. 34,523; Alexander V. Yampolsky, Reg. No. 36,324; and Robert W. Zelnick, Reg. No. 36,976  
all of

All future correspondence connected therewith should be addressed to the following address.

McDermott, Will & Emery  
600 13<sup>th</sup> Street, N. W.  
Washington, DC 20005-3096

We hereby declare that all statements made herein of my own knowledge are true and that all statements made on information and belief are believed to be true; and further that these statements and the like so made are punishable by fine or imprisonment, or both, under Section 1001 of Title 18 of the United States Code and that such willful false statements may jeopardize the validity of the application or any patent issued thereon.

Full name of sole or first inventor: FUMIAKI UENO

Inventor's signature: *Fumiki Ueno*

Date: *December 20, 2000*

Residence: Hirata-Shi, Osaka 573 Japan

Citizenship: Japanese

Post Office Address: 5-30-810 Miyanosaka 2-chome, Hirakata-shi, Osaka 573  
Japan

Full name of second inventor: MITSUAKI OSHIMA

Inventor's signature: *Mitsuaki Oshima*

Date: *December 20, 2000*

Residence: Kyoto-shi, Kyoto 615 Japan

Citizenship: Japanese

Post Office Address: 115-3, Minamitatsumicho, Ktsura, Nishikyo-ku, Kyoto-shi,  
Kyoto 615 Japan

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**OFFER TO SURRENDER**

Box 7  
Assistant Commissioner for Patents  
Washington, DC 20231

Sir:

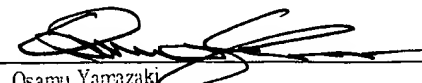
In accordance with the provisions of 37 CFR 1.178, the assignee of the accompanying reissue application for the reissue of Letters Patent Number 5,807,640 for OPTICAL RECORDING MEDIUM REPRODUCING SYSTEM, METHOD OF REPRODUCING OPTICAL DISK, METHOD OF FABRICATING OPTICAL DISK ORIGINAL RECORD, AND METHOD OF STOPPING ILLEGAL PROGRAM OPERATION granted on September 15, 1998, to Fumiaki Ueno et al. and assigned to Matsushita Electric Industrial Co., Ltd. of Osaka, Japan, by assignment of the entire interest, hereby offers to surrender said Letters Patent. The original deed of Letters Patents of U.S.P. 5,807,640 will be surrendered upon notification of allowance of the reissue application.

Matsushita Electric Industrial Co., Ltd.

Signature:

Officer:

Title:

  
Osamu Yamazaki  
Director, Intellectual Property Center  
Authorized Signing Officer

Date: December 14, 2000

Docket No.: 50355-050RI

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**ASSIGNEE'S ASSENT TO REISSUE**

Box 7  
Assistant Commissioner for Patents  
Washington, DC 20231

Sir:

In accordance with the provisions of 37 CFR 1.172, undersigned Assignee of U.S. Patent  
5,807,640 Matsushita Electric Co., Ltd., of which it is the owner by Assignment of the entire  
interest, hereby assents to filing of the accompanying reissue application therefor, and further  
assents to filing of the reissue oath by the inventors thereof.

Matsushita Electric Industrial Co., Ltd.

Signature:	
Officer:	Osamu Yamashita
Date: <u>December 14, 2000</u>	Director, Intellectual Property Center
Title:	Authorized Signing Officer